

United States District Court  
Eastern District of California

Patrick Ronald Holley,

Plaintiff,

vs.

No. Civ. S 04-1425 GEB PAN P

Order

California Department of  
Corrections, et al.,

Defendants.

-oOo-

February 10, 2005, plaintiff moved for a temporary restraining order and preliminary injunction but did not serve the papers upon defendants (who have appeared). Plaintiff states prison officials confiscated unspecified documents and refused plaintiff's request for free photocopy service. It is accompanied by a letter requesting the court serve the motion on defendants.

Subsequent filings by plaintiff (viz., March 30, 2005, 102-

1 page motion to compel; April 28, 2005, 5-page reply re motion to  
2 compel; May 10, 2005, 7-page motion to file supplemental  
3 pleading) bear proof of service upon defendants. Accordingly,  
4 the court infers the problem was isolated or has been cured.  
5 There is nothing to suggest how claimed confiscation of documents  
6 impacts plaintiff's ability to pursue this action.

7 In these circumstances, the court will not entertain  
8 plaintiff's request for emergency injunctive relief.  
9 Accordingly, plaintiff's February 10, 2005, motion for a  
10 temporary restraining order and preliminary injunction is denied  
11 without prejudice for plaintiff's failure to serve it on  
12 defendants.

13 So ordered.

14 Dated: May 31, 2005.

15 /s/ Peter A. Nowinski  
16 PETER A. NOWINSKI  
17 Magistrate Judge  
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